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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,763	04/13/2001	Hiroshi Isono	109246	3912

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EXAMINER

KING, BRADLEY T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/833,763

Applicant(s)

ISONO, HIROSHI

Examiner

Bradley T King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 3-6, 14, 23 and 38-41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25, 26 and 29-35 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7-19, 22, 24, 27, 28, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of the restriction in Paper No. 6 is acknowledged. The traversal is on the ground(s) that there is no serious burden. This is not found persuasive because the subject matter differs in classification and search, thereby presenting a serious burden in examination.

The requirement is still deemed proper and is therefore made FINAL.

Claims 3-6, 20, and 38-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected groups or species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

While the applicant contends that claims 14 and 23 read on the elected species, these claims have been withdrawn from further consideration as follows:

Claim 14 require a cut-off valve disposed in each of the two separate fluid passages. This feature is specific to the non-elected embodiment of embodiment of figure 27.

Claim 23 requires a power-operated assisting piston drive device operable to move the assisting piston relative to the housing. This feature is specific to the non-elected embodiment of figure 27.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: the distribution control portion recited in claims 27-29, 31, and 33 has not been defined in the specification.

Information Disclosure Statement

The applications listed as patent documents on the IDS have not been initialed as they are applications, not patents. However, the applications have been noted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites "said housing". It is unclear which of the two housings defined in the parent claim 25 is "said housing".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-8, 13, 16, 18-19, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 197 16 404.

DE 197 16 404 discloses all the limitations of the instant claims including: a master cylinder 1 including a housing and at least two pressurizing pistons (4a, 6a) which are fluid-tightly and slidably fitted in the housing and which cooperate with the housing to define at least two pressurizing chambers (4, 6) which are isolated from each other, and wherein a working fluid in each of the at least two pressurizing chambers is pressurized by an advancing movement of a corresponding one of the at least two pressurizing pistons, a hydraulically operable brake cylinder 3 for activating a brake, and a valve device 12 having a first state 12.2 in which the pressurized fluid is delivered from the two pressurizing chambers to the brake cylinder, and a second state 12.1 in which the pressurized fluid is delivered from only one of the two chambers.

Regarding claim 13, valves 12, 21 or 22 also functions as a cut-off valves.

Regarding claim 22, assisting device 10 functions to boost pressure above that of the master cylinder.

Regarding claim 24, brake pressure control valve device 20 is disposed between the assisting device and the brake cylinder.

Claims 1-2, 7-13 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Enomoto et al (US#5882093).

Enomoto et al disclose all the limitations of the instant claims including: a master cylinder including a housing and at least two pressurizing pistons (inherent to master cylinder construction) which are fluid-tightly and slidably fitted in the housing and which cooperate with the housing to define at least two pressurizing chambers which are isolated from each other, and wherein a working fluid in each of the at least two

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pressurizing chambers is pressurized by an advancing movement of a corresponding one of the at least two pressurizing pistons, a hydraulically operable brake cylinder WC for activating a brake, and a valve device SV or RE having a first state in which the pressurized fluid is delivered from the two pressurizing chambers to the brake cylinder, and a second state in which the pressurized fluid is delivered from only one of the two chambers.

Regarding claims 11-12 and 37, Enomoto et al disclose a stroke simulator SM.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto et al (US#5882093) in view of Sakai et al (US# 6007164).

Enomoto et al disclose a braking system including: a master cylinder including a pressurizing piston (inherent to master cylinder construction) which is operatively connected to a manually operable brake operating member and which defines a pressurizing chamber and a rear pressure chamber, a brake cylinder WC connected to the pressurizing chamber, an assisting cylinder PT including a housing and a piston to define an assisting chamber and a rear assisting chamber, the assisting chamber being connected to the brake cylinder and the master cylinder, a master-cylinder cut-off valve SV disposed between the assisting chamber and the pressurizing chamber, and a

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brake characteristic control device AS. Enomoto et al lack a diagnosing device. Sakai et al teach a diagnosing device which uses the operating state of a manual brake operating member and the master cylinder pressure to detect faults in the system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the diagnosing device of Sakai et al in the system of Enomoto et al to detect faults in the system, thereby increasing safety.

Allowable Subject Matter

Claims 25-26, and 29-35 are allowed.

Claims 27-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fukasawa et al, Ganzel, Jonner et al, Binder et al, Heubner, Bodie et al, Every et al, Reinartz et al, and Matsuda et al. All show braking systems.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (703) 308-8346. The examiner can normally be reached on 11:00-7:30 M-F.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BTK
January 27, 2003


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
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1/27/03